

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Establish
Policies and Cost Recovery Mechanisms for
Generation Procurement and Renewable
Resource Development.

Rulemaking 01-10-024
(Filed October 25, 2001)

**ADMINISTRATIVE LAW JUDGES' RULING
REGARDING CONFIDENTIALITY OF INFORMATION
AND EFFECTIVE PUBLIC PARTICIPATION**

This Ruling, by Administrative Law Judges (ALJs) Allen and Walwyn, addresses issues regarding the scope of, and access to, confidential information in this proceeding, and the utilities' showings of effective public participation in the long-term planning process.

Summary—Confidentiality Issues

This Ruling addresses two issues related to confidentiality that have arisen in this proceeding. First, this Ruling resolves the confidentiality issues raised by the California Independent System Operator (ISO) in its motion of February 5, 2003, seeking to modify the existing protective order in this proceeding.¹ Second, this Ruling resolves the question of the scope of confidential material raised by ALJ Walwyn at the prehearing conference (PHC) on February 18, 2003. On both issues, parties have made substantial progress toward resolving their differences, but have not succeeded in reaching complete agreement. Nevertheless, the

¹ The ISO also moved to intervene and to file comments. Those requests have already been granted by ALJ Walwyn, and will not be addressed here.

parties have provided useful documentation of both their agreements and differences. In general, this Ruling adopts the agreements of the parties and resolves the remaining differences.

ISO Motion—Background

In its motion, the ISO argued that in order to participate effectively in this proceeding, it requires access to currently confidential data contained in the procurement plans of the investor-owned utilities. The ISO has justified its need for the confidential information it seeks, but that need must be balanced against the potential risks of disclosure that would result from the ISO obtaining confidential information.

Southern California Edison Company (SCE) and Pacific Gas and Electric Company (PG&E) opposed the ISO's request. Two main arguments were raised in opposition to the ISO's request. The first is that the ISO itself is a market participant, and disclosure of confidential information to the ISO could directly cause competitive harm to the utilities and their ratepayers. The second is that the ISO does not appear to be capable of protecting confidential information from being disclosed to third parties such as competitors to the utilities.

Oral argument on this issue was heard on March 7, 2003. The ISO, PG&E, and SCE presented arguments, and other parties, including The Utility Reform Network (TURN) and San Diego Gas & Electric Company (SDG&E), also participated.

ISO Motion—Discussion

The argument (primarily advanced by SCE) that the ISO is a market participant, and accordingly should not have access to confidential information, is not well founded. While on a purely technical level, the ISO may be a market participant and its participation is very limited. Counsel for the ISO stated: "Your Honor, the ISO does not purchase resources for any purpose, other than to

clear the markets.” (Transcript v. 20, p. 2396.) She also noted that while the ISO does operate markets, and is a “last-resort” purchaser of imbalance energy, the ISO does not enter into transactions for its own benefit, and makes no profit from its activities. (*Id.*, p. 2397.)

Counsel for TURN also disagreed with SCE’s characterization of the ISO as a market participant:

I’d strongly disagree with Ms. Fox’s [counsel for SCE] argument that the ISO is a market participant. It is not. It may be a market administrator, but the ISO does not buy or sell power on its own account. It matches the needs of buyers and sellers in its market. It is not a market participant in the normal sense. (*Id.*, p. 2406.)

The ISO cannot be considered a competitor of the utilities. As SCE argued (*Id.*, p. 2400-01), the proper focus is on the potential injury to the utilities’ ratepayers as a result of providing confidential information to the ISO. Given the ISO’s role, providing the ISO access to confidential utility information on the issues presently before us does not appear to have the potential to harm the interests of ratepayers.²

All parties agree that the relevant statute on this issue is Pub. Util. Code § 454.5(g), which reads:

(g) The commission shall adopt appropriate procedures to ensure the confidentiality of any market sensitive information submitted in an electrical corporation’s proposed procurement plan or resulting from or related to its approved procurement plan, including, but not limited to, proposed or executed power purchase agreements, data request responses, or consultant reports, or any combination,

² Some parties noted that in the past, the ISO Board included members employed by direct competitors to the utilities. At present, that is not the case. However, should the nature of the ISO Board change, or other relevant circumstances change, the holdings of this Ruling can be revisited by motion or on the Commission’s own initiative.

provided that the Office of Ratepayer Advocates and other consumer groups that are nonmarket participants shall be provided access to this information under confidentiality procedures authorized by the commission.

This statute has two mandatory aspects: first, the Commission must adopt appropriate procedures to ensure the confidentiality of certain market sensitive information; and second, the Office of Ratepayer Advocates (ORA) and certain other consumer groups must be provided access to that same information under the adopted procedures. Those two requirements have already been satisfied, as the Commission has already adopted procedures to maintain confidentiality,³ and ORA and other consumer groups have obtained access to the information.

While the statute does not expressly permit the ISO to have access to confidential information (as it is not clear that the ISO would qualify as a “consumer group”), it also does not bar the ISO from such access. Accordingly, the determination of whether the ISO should have access to confidential information is up to the Commission, consistent with its adopted procedures. For the reasons stated above, the ISO is granted access to confidential information in this proceeding on the same level as ORA, TURN, and other consumer groups. The one exception to this is pricing information, which the ISO has stated it does not need. Accordingly, the protective order in this proceeding is modified to reflect the fact that the ISO will now have access to confidential information other than pricing information.

The utilities, ISO and TURN worked together to resolve their differences of opinion, and to propose specific language. The modifications to the protective

³ See the Rulings of ALJ McKenzie in this proceeding dated April 25, 2002, and May 1, 2002. Those Rulings, in particular the April 25 Ruling, expressly left open the question of ISO access to confidential information.

order largely follow their suggestions, and the involved parties are commended for their cooperation and quick work.

Nevertheless, the parties could not reach complete agreement on all of the language necessary for the ISO to obtain access to confidential information. Agreement was reached on changes to paragraphs 2, 3, 4, 6, and 11 of the existing protective order. A new paragraph 3(i) was also added, but the parties could not reach agreement on the language to be used. One version of paragraph 3(i) was recommended by the ISO, PG&E, and TURN, with a slightly different version recommended by SCE, with SDG&E not taking a position. While the differences between the two proposals are subtle, the ISO proposed language is preferable, as it allows for slightly greater disclosure while also being more manageable and understandable. Accordingly, the following language is adopted:

Paragraph 3

- (i) The term “ISO Reviewing Representative” shall mean a person who is employed by the California Independent System Operator, a nonprofit public benefit corporation created pursuant to Article 3, Chapter 2.3 of the Public Utilities Act (Public Utilities Code Sections 345 et seq.). The ISO shall identify its proposed Reviewing Representatives to [IOU] and Division Director and provide a curriculum vitae of the candidate, including a brief description of the candidate’s professional experience and past and present professional affiliations for the last 10 years. In addition, the ISO shall provide for each proposed ISO Reviewing Representative a copy of the ISO’s Employees Code of Conduct signed by the proposed ISO Reviewing Representative. [IOU] and Division Director shall advise the ISO in writing within three (3) business days from receipt of the notice if either or both of them object to the proposed Reviewing Representative, setting forth in detail the reasons therefor. In the event of such objection, the ISO, [IOU] and Division Director shall promptly meet and confer to try to resolve the issue, and if necessary seek a ruling from either the assigned ALJ or the Law and Motion ALJ. In addition to determining whether the proposed

Reviewing Representative has a need to know, the ALJ in ruling on the issue will evaluate whether the candidate is engaged in the purchase, sale or marketing of energy or capacity (or the direct supervision of any employee(s) whose duties include such activities), or the bidding on or purchasing of power plants or consulting on such matters (or the direct supervision of any employee(s) whose duties include such bidding, purchasing or consulting). Absent unusual circumstances as determined by the ALJ, a candidate who falls within the criteria set forth in the preceding sentence will ordinarily be deemed ineligible to serve as an ISO Reviewing Representative; provided however that for purposes of this protective order, the ordinary operation by the ISO of the ISO Controlled Grid and the ordinary administration by the ISO of ISO administered markets, including markets for Ancillary Services, Supplemental Energy, Congestion Management, and Local Area Reliability Services, shall not be deemed to be the purchase, sale or marketing of energy or capacity.

The other main argument raised by the utilities—that the ISO could not adequately protect confidential data from disclosure to third parties—raised a serious concern. In its Motion and at oral argument, the ISO did not appear to be willing to oppose otherwise legitimate discovery requests seeking confidential information. In addition, the existing protective order did not directly address how parties should respond to requests for confidential information. At oral argument, TURN and PG&E proposed modifying the protective order to address this issue.

The proposal of TURN and PG&E, while fairly general as initially proposed, appeared promising, and had the potential to address the ISO's concerns. Accordingly, additional time was provided to the parties to allow them to attempt to negotiate a resolution. As a result, changes to paragraph 9 of the protective order were proposed, but the parties could not agree on the details of those changes. The three utilities agreed on one version, with TURN recommending a different version, and the ISO recommending a third version.

The best balance appears to be found in a hybrid of the utilities' and TURN's proposals, which are relatively similar. The proposal of the ISO failed to ameliorate the concern that the ISO would take only a passive role in opposing disclosure of confidential information. Accordingly, the following language for paragraph 9 is adopted:

9. Protected materials shall be treated as confidential by each NMPP Reviewing Representative and by each ISO Reviewing Representative in accordance with the certificate executed pursuant to Paragraphs 3(f) and 11 hereof. Protected Materials shall not be used except as necessary for the conduct of this proceeding, and shall not be disclosed in any manner to any person except (i) other NMPP Reviewing Representatives who are engaged in this proceeding and need to know the information in order to carry out their responsibilities, ~~and~~ (ii) persons employed by or working on behalf of the CEC or other state governmental agencies covered by Paragraphs 7(a) and 7(b) and (iii) the ISO Reviewing Representatives (with the exception of price information). In the event that a NMPP not covered by Paragraphs 7(a) and 7(b) or the ISO is requested or required by applicable laws or regulations, or in the course of administrative or judicial proceedings (in response to oral questions, interrogatories, requests for information or documents, subpoena, civil investigative demand or similar process) to disclose any confidential information, the NMPP or the ISO agrees to oppose disclosure on the grounds that the requested information has already been designated by the Commission as Protected Materials subject to this Protective Order lawfully issued by the Commission and therefore may not be disclosed. The ISO or NMPP shall also immediately inform the utility of the request, and the utility may, at its sole discretion and cost, direct any challenge or defense against the disclosure requirement, and the NMPP or ISO shall cooperate with the utility to the maximum extent practicable to either oppose the disclosure of the Protected Materials consistent with applicable law, or obtain confidential treatment of Protected Materials by the entity that wishes to receive the Protected Materials prior to any such disclosure. If there are multiple requests for substantially similar Protected Materials in the same case or proceeding where the NMPP or ISO

has been ordered to produce certain specific Protected Materials, the ISO or NMPP may, upon request for substantially similar Protected Materials by a similarly situated party, respond in a manner consistent with that order to those substantially similar requests for those Protected Materials.

The above modifications to the protective order have in large part been made to respond to the concerns of the ISO, and its desire to obtain access to previously confidential information. Accordingly, the ISO will obtain access to the confidential information it seeks once it signs the protective order in this proceeding, as modified by this Ruling.

General Confidentiality Issues

Based on the direction of ALJ Walwyn at the PHC of March 7, 2003, PG&E, SDG&E, SCE, ORA, and TURN reevaluated the scope of material that should be considered confidential in this proceeding. Those parties served a joint report dated March 19, 2003, which identifies areas of agreement and disagreement.⁴

We adopt the general framework proposed by the participating parties, with some modifications and clarifications. Since not all parties participated in the preparation of this framework, we will allow parties to comment on the framework we adopt here.⁵ Incorporated below for reference is the framework proposed by the parties, which also includes differences remaining to be

⁴ ALJ Walwyn had originally raised the issue at the PHC held on February 18, 2003. Comments on the issue of confidentiality were submitted by the three utilities, the Center for Energy Efficiency and Renewable Technologies, the California Energy Commission, the Alliance for Retail Energy Markets and the Western Power Trading Forum, and the Independent Energy Producers Association. Those comments were considered in evaluating the framework proposed in the joint report.

⁵ Western Power Trading Forum's Motion to Accept Comments is granted.

resolved. This Ruling will identify modifications, clarifications, and ALJ resolution of disputed issues with interlineated ***italic bold text***.

I. Forecast Information

A. Procurement And Fuel Purchase Plans

Long term base case procurement planning assumptions on an annual average basis. These assumptions are forecasts of annual average natural gas price, annual average on-peak and off-peak electricity prices, and annual average new generation resource costs.

ORA, TURN, PG&E, and SDG&E propose that a confidentiality window for these forecasts be adopted, and that it end for the year beginning at least 3 years after the forecasts are presented (e.g., if a forecast is presented in April of 2003, the 2007 annual average figures need not be maintained as confidential, but the 2003 through 2006 information would be).

SCE proposes that the confidentiality window be five years.

The ORA, TURN, PG&E, and SDG&E proposal for a three-year confidentiality window is adopted.

Energy efficiency and demand side management (DSM) program data. For each proposed program this data consists of annual energy impacts, annual peak demand impacts, annual costs of program administration, incentives (if any), and lost revenues. In addition, each test required by the Standard Practice Manual and all assumptions required to implement the SPM tests.

The Joint Parties agree that this information need not be maintained as confidential, except that Any SPM input assumptions (e.g. value of avoided energy) that are recommended to be maintained as confidential elsewhere in this report should be maintained as confidential in the context of energy efficiency and DSM analysis, as well.

This proposal is adopted, with the clarification that the above language should not independently result in additional information being treated as confidential. If this

information is regularly disclosed in the context of energy efficiency or DSM analysis, this provision does not alter that practice.

Electric procurement plans, and fuel buying and hedging plans.

The Joint Parties agree that except as described above, this material should be maintained as confidential.

B. Resource Data

1. Generally

Energy, not capacity, mix (foreward looking forecasts), by percentage of the utilities' own generation facilities, QF power, "old world" PPAs, DWR contracts, and "new world" utility procurement activities.⁶ This would be reported in MWh, not MW.

Confidentiality Window

ORA, TURN, PG&E, and SDG&E propose that there should not be any confidentiality window for this data at the level of annual aggregation. Further disaggregations by time (e.g. monthly) should be maintained as confidential.

SCE proposes a 5 year confidentiality window for this data.

The ORA, TURN, PG&E, and SDG&E proposal for no confidentiality window is adopted.

Disaggregation by resource

The Joint Parties recommend that the annual energy mix, disaggregated by percentage of the utilities' own generation facilities, QF power, and "old world" PPAs,

⁶ "New world" utility procurement activities are those that have taken place since the utilities were allowed to participate in markets outside of the basic PX and ISO markets. "Old world" procurement

Footnote continued on next page

need not be maintained as confidential. With respect to DWR contracts and “new world” utility procurement activities, the Joint Parties recommend that the expected energy from DWR baseload contracts, on the one hand, and the expected energy from DWR dispatchable contracts and “new world” utility procurement activities, on the other, be listed separately, and that this disaggregation (on an annual basis) need not be maintained as confidential. The Joint Parties recommend that any disaggregation of energy expected from DWR dispatchable contracts and utility “new world” procurement activities be maintained as confidential.

Peak day resource needs, and further disaggregation of energy mix, by either time period or resource type. This includes information on procurement of natural gas to be used to generate power.

The Joint Parties agree that this material should be maintained as confidential.

This proposal is tentatively approved, with the observation that confidentiality of “further disaggregation of energy mix” by resource type may need to be reevaluated, particularly in the context of renewable energy procurement.

PPAs in effect.

The Joint Parties agree that this data should be maintained as confidential.

2. Renewables

Aggregate data relating to renewable energy supplies, including summary of PPA information.

relates to contracts entered into before the beginning of the AB 1890 transition period. Procurement activities include sales as well as purchases of power.

The Joint Parties agree that this issue should be addressed in the renewables phase of this proceeding. All parties should have the opportunity to address the confidentiality issues associated with renewables in their March 27 testimony, and the confidentiality issues should be addressed after the filing of that material.

3. Affiliate Transactions

PPAs with affiliates.

There is currently a moratorium on PPAs with affiliates. The Joint Parties agree that the issue of whether PPAs with affiliates should be disclosed publicly should be addressed in whatever proceeding considers the lifting of that moratorium.

If a proceeding does directly address the lifting of the current moratorium, the issue of disclosure of PPAs with affiliates may be addressed in that proceeding. If the moratorium is lifted without a proceeding (by passage of time, for example), or if the issue of disclosure is not addressed in the proceeding that lifts the moratorium, then PPAs with affiliates shall be publicly disclosed in their entirety. At such time as the issue becomes ripe, a motion may be brought in this proceeding or before the law and motion ALJ to seek confidential treatment of such PPAs.

C. Load Data

Annual and monthly energy sales forecasts, including losses.

The Joint Parties agree that the annual and monthly aggregations of this data need not be maintained as confidential. The public data refers to retail sales; energy sales to the wholesale market should be maintained as confidential.

Peak day load and capacity needs.

The Joint Parties agree that this material should be maintained as confidential.

II. Historic Information

Past fuel buying and hedging information.

SCE recommends that the total cost of gas and total gas volume be provided in annual aggregate form with a retrospective confidentiality window of 2 years. SDG&E recommends that this information be provided in monthly aggregate form, with a retrospective confidentiality window of 3 years. ORA, TURN, and PG&E recommend that this information be provided in monthly aggregate form, with a retrospective confidentiality window of 1 year. (That is, in March of 2004 the latest monthly data would be for February of 2002.) The Joint Parties agree that any further disaggregations of this data should be maintained as confidential.

The parenthetical example appears to have an error, and accordingly is disregarded. We adopt a compromise, with the information to be provided in monthly aggregate form, with a retrospective confidentiality window of two years.

Expired PPAs.

The Joint Parties agree that PPAs of greater than six months duration, which expired at least two years ago, need not be maintained as confidential unless the release would be inconsistent with the confidentiality provisions in the PPA. The parties note that industry standard confidentiality provisions would probably prohibit such disclosure. Beyond this, PPAs should be maintained as confidential.

This proposal is approved, but with a caveat. On a going forward basis, the utilities should not agree to industry standard confidentiality provisions prohibiting

such disclosure, but rather should be signing PPAs with confidentiality provisions consistent with the above proposal. If a utility nevertheless wishes to enter into a PPA containing confidentiality provisions inconsistent with this ruling, the utility must show by clear and convincing evidence that entering into such a contract is in the best interest of the ratepayers of the state of California, and the generator must show by clear and convincing evidence its need for such retrospective confidentiality.

III. Concluding Points

It is not possible to anticipate all materials that might be sought during the course of consideration of the utilities' long term plans. The Joint Parties believe that the categories of information just described provide a framework for resolving many, if not most, of the confidentiality issues likely to arise in consideration of the utilities' long term plan showings.

One additional complication is that one or more of the utilities has made public either current or recent estimates of some of the information recommended to be maintained as confidential. The Joint Parties agree that information already made public should not be maintained as confidential in this proceeding. They recommend, however, that the dividing lines described above be maintained in this proceeding with respect to any data not made public, including any updates and revisions to information made public in the past, but recommended here to be maintained as confidential.

Finally, the Joint Parties note that this framework for considering the confidentiality of information is not intended to address other types of discovery disputes that might arise in the context of the Commission's analysis of the utilities' long term plans.

Meaningful Public Documents and Effective Public Participation in Long-Term Procurement Planning

At the February 18, 2003 PHC, ALJ Walwyn stated one of the objectives for the procurement proceeding's long-term planning process is to ensure that the public and interested parties can meaningfully participate in the proceeding and that the public can understand the basis for our decisions. She asked the utilities to file on February 24 recommended specific criteria for market-sensitive information and a showing that their unredacted long-term procurement plans allow for meaningful public participation.

The utilities' February 24 comments focused on public participation occurring through organized consumer groups who could request and receive formal access to confidential information. For interested parties in the category of market participants, the comments of each utility focused on the need to keep specific types of market-sensitive information confidential, while briefly listing some categories of information that would be appropriate to publicly provide and other information that would not be included in the unredacted procurement plans because it could be obtained through other agencies and sources, some for a fee. SDG&E did provide a more comprehensive list of information it is willing to make public and a statement that this information would be adequate to allow parties to evaluate its resource planning and make resource adequacy assessments. PG&E and SCE did not address how their unredacted long-term procurement plans would allow for meaningful public participation.

At the March 7, 2003 PHC, ALJ Walwyn requested that each utility submit further comments on March 13 that would take into account the PHC remarks of all the public interest groups as well as market participants and would make a strong showing, in a very detailed manner, that each utility's April 1, 2003 long-term procurement plan would provide sufficient material for effective public participation and discussion of long-term procurement planning issues. At the

later request of the utilities, the undersigned ALJs granted an extension of time for filing to March 20, 2003.

PG&E's March 20 comments address in detail the types of public information its long-term procurement plan will contain and why this document will allow for meaningful public participation in the long-term planning process. Its public plan will allow for an informed discussion of long-term planning options, including evaluating the trade-offs between supply side and demand side approaches to ensuring adequate electric power supplies. There will be a three-year confidentiality window on some of the base case procurement planning assumptions but this allows for some information to be public in the five-year timeframe that will be the focus of the proceeding this year. The anticipated energy mix, on an annualized basis will be broken down into five categories, allowing discussion about generation expectations from existing resources within the utility supply portfolio. Energy Efficiency and demand side management program data will be provided as well with the exception of certain market forecast data used to calculate avoided costs. In addition, annual and monthly aggregations of retail energy sales forecasts, including losses, will be provided. This forecasting data, taken together with the data on the mix of available resources, allows for an informed discussion of long-term planning needs. To provide a historical context for the public discussion, fuel buying and hedging information will be provided in monthly aggregate form, with a retrospective confidentiality window of one year.

SCE's comments present a detailed description of the information it plans to file in its long-term plan including descriptions of the types of data and presentation format. SCE's comments further discuss the public information it will provide on load forecast, demand response and demand reduction programs, existing resources, reserve margin analysis, and some public

discussion of long-term planning scenarios. In its comments, SCE states that all parties will be able to: address the broad policy issues associated with long-term resource planning; fully participate in a discussion of energy efficiency, demand response, and other programs; discuss SCE's existing generation; discuss the issues of reserve planning; and discuss sales forecasts.⁷

SDG&E states it has carefully considered the types of public information it will provide in its long-term plan that will allow the Commission to advance its objective of meaningful public participation. Examples of the information it will provide are: the aggregated annual energy mix, including percentages of utility retained generation, the California Department of Water Resources contracts, renewable contracts, and hydroelectric and nuclear power; peak day load and resource balance related to the energy mix; annual load and sales forecasts; long-term, base case procurement planning assumptions on an annual average basis for market price, fuel price, new resource costs, and cost/benefit calculations for energy efficiency; details on the identity of the supplier, contract term, technology type, quantity, and product type of renewable contracts assuming supplier consent and consistency with confidentiality obligations of the contract.

We find that each utility has made the requested showing that its long-term procurement plan allows for meaningful public participation in the long-term planning process. To the extent that the proposals of the utilities are

⁷ In its comments, SCE raises several legal objections to being requested to demonstrate that the public version of its plan will facilitate meaningful public participation. It appears to continue to confuse two issues: (1) its right to protect access to specific data that is deemed market sensitive and the disclosure of which could be potentially harmful to its ratepayers; and (2) its obligation to provide a comprehensive public document containing nonconfidential information.

inconsistent regarding the scope of information that is to remain confidential, those inconsistencies are to be resolved as discussed above.

IT IS RULED that:

1. The Protective Order in this proceeding is modified as described above.
2. Upon its signing of the modified Protective Order, the California Independent System Operator (ISO) will obtain access to confidential information (with the exception of pricing information) as described above.
3. The scope of information considered confidential in this proceeding is defined as described above.
4. Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, The Utility Reform Network, the Office of Ratepayer Advocates, and the ISO will coordinate in preparation of a final version of the modified Protective Order consistent with this Ruling, and will provide it to Administrative Law Judges Allen and Walwyn within ten days of the date of this Ruling. It will then be attached to a separate ruling issued in this proceeding.
5. Comments on the adopted framework regarding general confidentiality issues should be filed and served no later than April 18, 2003.
6. Each utility has shown that its long-term procurement plan allows for meaningful public participation in the long-term planning process.

Dated April 4, 2003, at San Francisco, California.

/s/ CHRISTINE M. WALWYN
Christine M. Walwyn
Administrative Law Judge

/s/ PETER V. ALLEN
Peter V. Allen
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judges' Ruling Regarding Confidentiality of Information and Effective Public Participation on all parties of record in this proceeding or their attorneys of record.

Dated April 4, 2003, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

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